S.B. CIVIL WRIT PETITION NO.7259/2005

Sameer Khan Khokhar
vs
Jai Narain Vyas University & Anr.

Date :: 02.03.2006

HON'BLE MR.JUSTICE DINESH MAHESHWARI

Mr.Harish Mathur, for the petitioner.
Mr.Vimal Mathur, for the respondents.

The petitioner has submitted this writ petition seeking issuance of an appropriate writ, order or direction to the respondents to grant him admission in the first year of LL.B. Course.

The petitioner has submitted in the writ petition that he has passed his senior secondary examination from St.Annes School, Jodhpur, B.A. English (Hons.) course from Delhi University and after graduation, he appeared for M.A. (Public Administration) from Annamalai University (Distance Education) Chennai (Tamilnadu).

According to the petitioner, he submitted his admission form for the first year of LL.B. Course in the respondent University on 18.06.2005 with late fees as per the University's Rules and Regulations and submitted all the documents as required but could not submit the marks-sheet of final year M.A. because at the relevant time the result was awaited.

According to the petitioner, as soon as the result of final year of M.A. was declared on 19th September 2005, he received “Internet Loaded marks-sheet” on 20th September 2005 and submitted the same on 21st September, 2005 and requested the University to admit him provisionally in the first year of LL.B. Course

The petitioner has further alleged that he went to Chennai for original marks-sheet and transfer certificate in the month of November because before this time it was not possible for him to reach Chennai “due to holidays, non-availability of reservation in the trains and rainy season i.e. heavy rainfall”. The petitioner has annexed photostat of the marks-sheet of M.A. and transfer certificate dated 10th November 2005 as Annexures 6 to 8 and according to him, despite submitting all the documents, the respondent has orally denied the admission to him without any reason and despite giving so many representations and personal meeting with the Dean of the Faculty of Law.

It has also been alleged that the respondent initially agreed to give provisional admission to the petitioner, but at last completely denied the admission and according to the petitioner, his admission form has yet not been rejected. The petitioner has contended that he is qualified and has completed all the conditions for admission to the

first year of LL.B. Course and there is no reason for the respondent to deny him admission despite so may vacancies.

In response to the show cause notice, the respondent University has contended, inter alia, that for the purpose of admission to LL.B. first year, mainly the marks-sheet of Graduation was relevant and the petitioner has stated in the application form itself that if the marks-sheet was not submitted within 10 days, his application would be rejected; and the original marks-sheet of B.A. was not attached with the form. According to the University, on 24th August 2005 information was published by the Law Faculty wherein defects in the forms were pointed out and a week's time was given to remove the defects (Annexure-R/1) and the petitioner was asked to submit his original marks-sheet and caste certificate, but in compliance of the said notice, the petitioner did not submit his marks-sheet and did not remove the defects pointed out and hence he was not given admission. It has further been contended that according to the information sent by the Bar Council of India, a candidate must be having minimum 45% marks for LL.B. Admission; that no admission could have been granted after 30th September 2005; and that the petitioner having not done the needful in time, the admission could not be granted to him.

Having heard learned counsel for the parties and having

perused the material placed on record, this Court is clearly of opinion that this writ petition remains totally devoid of substance and deserves to be dismissed.

A bare look at the information Annexure-R/1 makes it apparent that as back as on 24th August 2005 the respondent University has specifically notified various candidates about the deficiencies in their forms and the petitioner's name is mentioned in the said list at S.No.19 and the defects have been pointed out that the original marks-sheet and caste certificate were not submitted. The candidates have been informed that because of non removal of defects, their forms have been rejected. However, the candidates have been given another 7 days' time to remove the defects after stating sufficient cause and then their forms could be considered.

It is an admitted case of the petitioner that even the so called “Internet Loaded Marks-sheet” of M.A. has been received by him only on 20th September 2005 and he had submitted the same to the University on 21st September 2005. In that view of the matter, the admission form of the petitioner that has already been rejected could not have been considered as the defects were not removed within 7 days of the notice Annexure-R/1; and the University cannot be said to have committed any illegality in not granting admission to the petitioner.

Even otherwise, the conduct of the petitioner, as discernible from the averments taken in the writ petition, is that despite being aware of the fact that he has not attached the marks-sheet of M.A., on the basis of which he wanted admission in the LL.B. Course, he has submitted the Internet Loaded marks-sheet only on 21st September 2005. According to the own showing of the petitioner he has approached the University concerned for issuance of the original marks-sheet and transfer certificate only in the month of November, 2005. Thereafter, this writ petition has been submitted only on 15th December 2005 and by that time a substantial part of the academic session had already passed by.

In the over all facts and circumstances of the case, this Court is clearly of the opinion that petitioner is not entitled for any relief in extra-ordinary writ jurisdiction of this Court nor the respondents would be said to have committed any illegality or error so as to warrant any interference in this case.

The writ petition fails and is, therefore, dismissed. No costs.

[DINESH MAHESHWARI],J.

Ashwini/-